

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSE RAMIREZ-SALGADO,

Petitioner,

CASE NO. 08cv562-WQH (WMc)

vs.

LARRY E. SCRIBNER, et al.,

Respondent.

ORDER DENYING RESPONDENTS'
REQUEST FOR STAY

On June 30, 2008, Respondents filed a Request for Stay Pending Issuance of the Mandate in *Hayward*. [Docket No. 6.] Having reviewed Respondents' motion, the Court concludes that a stay pending the Ninth Circuit's decision in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc* granted, __ F.3d __, No. 06-55392 (9th Cir. filed May 16, 2008), is not warranted. Respondent has not demonstrated a strong compelling reason to delay the briefing until a ruling had been issued in the above captioned case. Therefore, Respondents' request is DENIED.

Respondents shall file an answer or other responsive pleading on or before September 1, 2008. Petitioner may file a traverse on or before October 3, 2008.

IT IS SO ORDERED.

DATED: July 25, 2008


Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court